

IPW

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
 Date: January 26, 2007 Name: Tadashi Horie Reg. No. 40,437 Signature: 

BRINKS  
HOFFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Kenji ISHII et al.  
 Appln. No.: 10/772,223  
 Filed: February 3, 2004  
 For: AN APPARATUS AND A METHOD FOR  
 OPTIMIZING NETWORK RESOURCES  
 EMPLOYED IN DATA COMMUNICATION  
 Attorney Docket No: 9683/165

Examiner: To Be Assigned  
 Art Unit: 2141

Mail Stop: IDS  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

Transmittal (in duplicate); Second Supplemental Information Disclosure Statement; Form PTO-1449; 1 Cited Reference (C1-EPO Office Action)  
 Return Receipt Postcard

Fee calculation:

No additional fee is required.  
 Small Entity.  
 An extension fee in an amount of \$ \_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
 A late filing fee or oath or declaration surcharge in an amount of \$ \_\_\_\_\_ under 37 C.F.R. § 1.16(e).  
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment	Highest No. Previously Paid	Present Extra	Small Entity		Not a Small Entity	
				Rate	Add'l Fee	or	Rate
Total		Minus		x \$25=			x \$50=
Indep.		Minus		x 100=			x \$200=
First Presentation of Multiple Dep. Claim				+\$180=			+\$360=
				Total	\$	Total	\$

Fee payment:

Checks in the amount of \$ \_\_\_\_\_ are enclosed.  
 Please charge Deposit Account No. 23-1925 in the amount of \$ \_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
 Payment by credit card in the amount of \$ \_\_\_\_\_. (Form PTO-2038 is attached).  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

  
 Tadashi Horie (Reg. No. 40,437)

January 26, 2007  
 Date



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### SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference:

EPO Office Action dated December 29, 2006

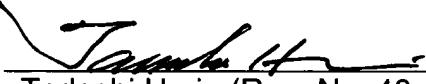
Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Reference C1 is an Office Action issued in the counterpart EPO application. The Office Action cites two prior art references which have already been disclosed to the Office in the Information Disclosure Statement submitted on September 28, 2006. As the listed reference is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

For purposes of 37 C.F.R. §1.704(d), Applicants certify that each item of information contained in this Statement was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this Statement.

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

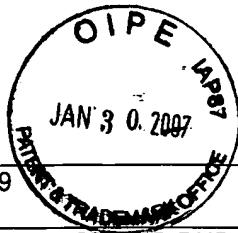


Tadashi Horie (Reg. No. 40,437)

January 26, 2007

Date

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FORM PTO-1449	SERIAL NO. 10/772,223	CASE NO. 9683/165
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE February 3, 2004	GROUP ART UNIT 2141
APPLICANT(S): Kenji ISHII et al.		

**REFERENCE DESIGNATION**      **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)	
C1	EPO Office Action dated December 29, 2006	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.